

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

**STIPULATION OF
EXPECTED TESTIMONY**

RDML David B. Woods

16 June 2013

It is hereby agreed by the Accused, Defense Counsel, and Trial Counsel, that if Rear Admiral (Lower Half) David B. Woods were present to testify during the merits and pre-sentencing phases of this court-martial, he would testify substantially as follows:

1. I am a Rear Admiral (Lower Half) in the United States Navy with 32 years of active service. My current position is Commander, Strike Force Training Pacific, San Diego, CA. I was previously the Commander, Joint Task Force – Guantanamo (JTF-GTMO), at Guantanamo Bay, Cuba. I held this position from 24 August 2011 through 25 June 2012, and reported during that time to General Douglas Fraser, Commander, United States Southern Command (USSOUTHCOM). My time as Commander, JTF-GTMO was my fifth command tour as an Original Classification Authority (OCA). I graduated from the U.S. Naval Academy in 1981 and was designated as a naval flight officer in 1983. I also received a master's degree in National Security and Strategic Studies from the Naval War College in 1997.

2. As a US Navy Captain, I served as the commander of Carrier Air Wing (CVW) 11, and deployed twice in support of Operations Enduring Freedom and Iraqi Freedom aboard the USS Nimitz. Additionally, as part of a joint assignment, I was the Commander of Joint Crew Composite Squadron One. Our squadron was responsible for the Multi-National Corps – Iraq electronic warfare fight against improvised explosive devices. After my promotion, I served as the Director, Strategy and Policy Division, Chief of Naval Operations for Operations, Plans and Strategy (N3/N5) before taking command of JTF-GTMO.

3. As Commander, JTF-GTMO, I was an OCA. My responsibilities in that position included the review of JTF-GTMO information for classification purposes pursuant to Executive Order (EO) 13526 ("Classified National Security Information"), and its predecessor orders. Prior to this position, I was an OCA while serving in the following positions: (1) O5 Squadron Commander (VAQ131) (1998-2000); (2) Training Squadron Commanding Officer (VAQ 129) (2002-2004); (3) Air Wing Commander (CVW11) (USS Nimitz) (2005-2007); and (4) Commander of Joint Crew Composite Squadron One in Iraq (2007-2008). At all times I served as an OCA, I received annual training consistent with EO 13526 or previous guidance.

4. Information that requires protection in the interest of national security of the United States is designated classified national security information under Executive Order (EO) 13526, Classified National Security Information, signed by President Obama on December 29, 2009. Information is classified in levels commensurate with the assessment that its unauthorized disclosure reasonably could be expected to cause the following damage to national security: Top Secret information is

information that could cause exceptionally grave damage to national security; Secret information is information that could cause serious damage to national security; and Confidential information is information that could cause damage to national security.

5. Unclassified information does not require a security clearance for access, but nonetheless may be of a sensitive nature. The current basis for classification of national security information is found in EO 13526. Section 1.3 of EO 13526 authorizes an OCA, such as me when I was Commander, JTF-GTMO, to classify information owned, produced, or controlled by the United States government if it falls within certain classification categories. One such category, found at Section 1.4(c) of EO 13526, concerns information that pertains to an intelligence activity (including special activities), intelligence sources or methods, or cryptology.

6. I reviewed the five charged documents from the United States Southern Command and JTF-GTMO database (BATES numbers 00378123 – 00378140) contained within **Appellate Exhibit 501**, and made the below determinations with respect to those documents.

7. First, all five documents were properly marked at the “SECRET” classification level.

8. Second, disclosure of the information identified in the five documents reasonably could be expected to cause serious damage to the national security of the United States. In making this statement regarding the classification of information in this case, I relied upon my personal knowledge and experience, the information made available to me in my official capacity, the advice I received from my staff and their conclusions reached.

9. Third, in the first half of 2010 and at the time of the disclosures, the five documents were classified pursuant to Section 1.4(c) of EO 13526, because they contained information concerning intelligence sources and methods, and information that, if released, could cause serious damage to national security. This information was classified at the Secret level.

10. Fourth, the five documents contained intelligence data compiled about detainees or summaries of such data. Intelligence data included descriptions of the detainee's biographical information, the circumstances of his capture, what he had in his possession when he was captured, the circumstances and date of his transfer to Guantanamo, his travel, his affiliations with individuals and organizations of intelligence interest, and his activities in support of those organizations. All of this information would be known to the individual detainee. The intelligence data also included information about other persons and organizations. I determined that the intelligence data contained in the documents reveal details about intelligence we have gleaned regarding individuals and organizations of intelligence interest. Additionally, this information revealed the sources of our intelligence, as well as methods and approaches for collecting intelligence. At the time of their creation, the documents and the intelligence data contained in them were classified at the Secret level through the action of the Commander, JTF-GTMO, and remained classified at the Secret level in the first half of 2010 and at the time of their disclosure.

11. Fifth, I determined that the documents and information remained properly classified after their creation, and that their release reasonably could be expected to cause serious damage to the national security because it would reveal information concerning intelligence sources, the specific information obtained from such sources, or both. Accordingly, this information was properly classified at the Secret level, pursuant to Section 1.4(c) of EO 13526.

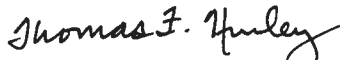
12. I am aware that there may have been some information pertinent to these documents available in open source material. I did not use this material or its publicly available status in making classification determinations. If there was information that had been previously released under the authority of the United States government, I would consider the authorized release of information by the United States government as part of my review of the classification of the entire document. I am aware of the extensive litigation that happens for these detainees in federal court and the military commissions. Those cases did not affect the classification review for these documents.

13. In October of 2007, I am aware that the Department of Defense released in the FOIA reading room the Combatant Status Review Tribunals (CSRT) and the Administrative Review Boards (ARB) documents held between July 2004 and July 2007. The CSRTs were a set of tribunals for confirming whether detainees held by the United States at Guantanamo had been correctly designated as "enemy combatants." The ARBs were used to conduct an annual review of the detainees to review whether they still represent a threat or not to the United States. The released information identified each detainee by name and their general background information for those individuals still held at JTF-GTMO at that time.

14. **Prosecution Exhibit 95 for Identification** are those five documents I described above.



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